

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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EAST MEDIA ENTERTAINMENT INC.,

Plaintiff,

- against -

RONG CHEN, et al.,

Defendants.

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ORDER

CV 06-5036 (RJD) (JO)

JAMES ORENSTEIN, Magistrate Judge:

By letter dated August 6, 2007, an attorney at the firm of Wu & Kao advises that the firm is providing "assistance" to defendant Bo Kai Guan ("Guan") and asks me to arrange for a Mandarin interpreter to provide translation services to Guan when the latter attends a hearing in this matter, without an attorney, on August 22, 2007. The firm's letter is not the first time in this case that it has sought to act on Guan's behalf without actually appearing as his counsel of record. *See* DE 17 Ex. A (letter to plaintiff's attorney from Wu & Kao "acting on a pro bono basis for [Guan], and not acting as his attorney on the record to enter a court appearance at this time").

Federal Rule of Civil Procedure 11(a) requires that every "written motion, and other paper shall be signed by at least one attorney of record ... or, if the party is not represented by an attorney, shall be signed by the party." The instant application is not signed by the *pro se* defendant for whom it seeks relief, and therefore appears to be inconsistent with the applicable rule. To the extent that the law firm seeks to make the request as part of its unquestionably salutary mission of providing assistance to members of the community it serves, rather than as counsel of record for a party, it has no standing to do so.

The application is therefore denied. Further, it is unclear whether the movant will continue to attempt to represent the defendant's interests in this *ad hoc* fashion; if so, the movant

law firm's role can and should be formalized. I therefore direct the movant law firm to submit a letter no later than August 20, 2007, either consenting to appear as counsel of record to defendant Guan or explaining why I should not appoint it to serve in that role pursuant to 28 U.S.C. § 1915(e)(1).

SO ORDERED.

Dated: Brooklyn, New York
August 15, 2007

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge